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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,166	08/01/2003	Osamu Ueda	1232-5096	4594
27123	7590	01/23/2008	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			ART UNIT	PAPER NUMBER

DATE MAILED: 01/23/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10633166	8/1/03	UEDA ET AL.	1232-5096

MORGAN & FINNEGAN, L.L.P.
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

EXAMINER

Timothy J. Henn

ART UNIT	PAPER
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2622

20071217

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

LIN YE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Election/Restrictions

1. The amendment filed on 24 October 2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly presented claims recite limitations where picture data is controlled in different manners according to a comparison between a set image scaling factor and a predetermined scaling factor. The originally presented and elected claims recite two different control modes, wherein the controller selects a control mode on the basis of a zooming operation of an optical zoom device (i.e. "and when zooming with the optical zoom device, said controller controls it to operate in said first control mode"). Since the imaging devices of the originally presented claims and the new claims contain materially different modes of operation, are mutually exclusive and are not disclosed as being obvious variants, the new claims are patentably distinct.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Application/Control Number:
10/633,166
Art Unit: 2622


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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TJH
12/17/2007


LIN YE
SUPERVISORY PATENT EXAMINER